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21 TERRI SMITH and MICHELE SMITH FREGOSO

22 UNITED STATES DISTRICT COURT
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 TERRI SMITH and MICHELE
25 SMITH FREGOSO,

26 Plaintiffs,

27 vs.

28 STONEBRIDGE LIFE
INSURANCE COMPANY,

Defendant.

Case No. C 08-01466 JCS

Magistrate Judge Joseph C. Spero

STIPULATION SETTING BRIEFING
SCHEDULE ON CROSS-MOTIONS
FOR PARTIAL SUMMARY
JUDGMENT

Action Filed: September 5, 2007

Pursuant to the Court's June 23, 2008 Case Management and Pretrial Order, Plaintiffs Terri Smith and Michele Smith Fregoso ("Plaintiffs") and Defendant Stonebridge Life Insurance Company ("Stonebridge") submit the following stipulation:

1. Plaintiffs have alleged claims for breach of contract and breach of the implied covenant of good faith and fair dealing against Stonebridge. The parties believe that Plaintiffs' claim for breach of contract may be resolved as a matter of law at this time without incurring the expense of further discovery. Therefore, the parties intend to file cross-motions for partial summary judgment on Plaintiffs' claim for breach of contract.

2. In its June 23, 2008 Case Management and Pretrial Order, the Court set the hearing on the parties' cross-motions for September 26, 2008 at 9:30 a.m., and ordered the parties to submit a stipulation regarding a briefing schedule.

3. The parties have agreed on the following briefing schedule, subject to the Court's approval:

- Deadline to file motions: August 13, 2008
- Deadline to file oppositions: August 29, 2008
- Deadline to file reply briefs: September 12, 2008
- Hearing date: September 26, 2008 at 9:30 a.m.

4. Each party reserves the right to file a subsequent motion for summary judgment or partial summary judgment in the future, and expressly reserves the right to address Plaintiffs' claims for breach of the implied covenant of good faith and fair dealing and for punitive damages in any such motions.

1 5. The parties respectfully request that the Court approve the parties'
2 stipulation and enter the proposed order lodged concurrently.

3 IT IS SO STIPULATED.
4

5 Dated: July 16, 2008

MANATT, PHELPS & PHILLIPS, LLP
MARGARET LEVY
JOSEPH E. LASKA

8 By: /s/ Joseph E. Laska
9 Joseph E. Laska
10 Attorneys for Defendant
STONEBRIDGE LIFE INSURANCE
COMPANY

11 Dated: July 16, 2008

STENNETT/CASINO
JOHN P. STENNETT
BARBARA A. CASINO

14 By: /s/ John P. Stennett*
15 John P. Stennett
16 Attorneys for Plaintiffs
TERRI SMITH and MICHELE
SMITH FREGOSO

17 (*Electronically signed with
18 permission granted on July 16, 2008.)
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 TERRI SMITH and MICHELE
12 SMITH FREGOSO,

13 Plaintiffs,

14 vs.

15 STONEBRIDGE LIFE
16 INSURANCE COMPANY,

17 Defendant.
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Case No. C 08-01466 JCS

Magistrate Judge Joseph C. Spero

[PROPOSED] ORDER SETTING
BRIEFING SCHEDULE ON CROSS-
MOTIONS FOR PARTIAL
SUMMARY JUDGMENT

Action Filed: September 5, 2007

1 The Court approves the parties' stipulation and orders that the parties' cross-
2 motions for partial summary judgment on Plaintiffs' claim for breach of contract
3 will be briefed and heard on the following schedule:

- 4 • Deadline to file motions: August 13, 2008
- 5 • Deadline to file oppositions: August 29, 2008
- 6 • Deadline to file reply briefs: September 12, 2008
- 7 • Hearing date: September 26, 2008 at 9:30 a.m.

8 Each party retains the right to file a subsequent motion for summary
9 judgment or partial summary judgment in the future, and expressly retains the right
10 to address Plaintiffs' claims for breach of the implied covenant of good faith and
11 fair dealing and for punitive damages in any such motions.

12 IT IS SO ORDERED.

13
14 Dated: _____

United States Magistrate Judge

15
16 Respectfully submitted by:

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